

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rebecca Jacobson	Team: Squad #14	CCRB Case #: 201603722	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 04/23/2016 9:30 AM	Location of Incident: East 57th Street and 2nd Avenue	Precinct: 17	18 Mo. SOL 10/23/2017	EO SOL 10/23/2017	
Date/Time CV Reported Sat, 04/23/2016 11:10 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/29/2016 11:10 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Charles Betancourt	22998	946782	041 PCT
2. POM John Lamneck	15507	956822	017 PCT
3. SGT Daniel Freifeld	03777	931507	017 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Daniel Freifeld	Force: Sergeant Daniel Freifeld used physical force against § 87(2)(b)	
B.POM John Lamneck	Force: Police Officer John Lamneck used physical force against § 87(2)(b)	
C.POM Charles Betancourt	Force: Police Officer Charles Betancourt used physical force against § 87(2)(b)	

Case Summary

On April 23, 2016, Cpt. Nicole Papa-Michael of the 17th Precinct filed this complaint with IAB on the behalf of § 87(2)(b) who was injured while being apprehended by police officers. On May 2, 2016, IAB forwarded this complaint to the CCRB via log 2016-14835.

On June 2, 2016, § 87(2)(b) was interviewed via video conferencing while he was incarcerated at the § 87(2)(b). During his interview, § 87(2)(b) was informed by the undersigned investigator that he would be required to sign a verification form and have it notarized. § 87(2)(b) was being released from Rikers the following day, June 3, 2016, but stated he would complete the required form. He provided the undersigned with an address which was not his residence but where he was able to receive mail and stated he checked it almost daily. § 87(2)(b) did not have a phone number, but provided the undersigned with the phone number of his ex-girlfriend, § 87(2)(b), who he stated he could be contacted through. On June 2, 2016, a verification form, HIPAA form, and unsealing order, along with a letter explaining how to complete the forms, were mailed to § 87(2)(b) at the address provided.

On June 8, 2016, § 87(2)(b) was contacted via phone. § 87(2)(b) informed the undersigned that she had not talked to § 87(2)(b) recently, is not in touch with him, and he could not be contacted through her. On June 15, 2016, and June 23, 2016, verification forms, HIPAA forms, and unsealing orders were sent to § 87(2)(b) along with letters explaining how to complete the forms and noting to him that if the verification form was not returned – signed and notarized – by June 30, 2016, his case would be closed without further investigation. None of the three letters sent to § 87(2)(b) were returned by the U.S. Postal Service.

Prior to interviewing § 87(2)(b) a search of LexisNexis and Clear was performed and revealed two possible addresses and one possible phone number. Please call letters were sent to both possible addresses on May 12, 2016. On May 18, 2016, one letter was returned by the U.S. Postal Service as “not deliverable as addressed,” so a second please call letter was not sent to this address. A second please call letter was sent to the other address on May 25, 2016. These letters were both returned by the U.S. Postal Service, May 25, 2016 and June 3, 2016, as “not deliverable as addressed” and “attempted – not known.” The phone number obtained from the LexisNexis search was called five times from May 12, 2016 to May 25, 2016. Four times the line rang continuously, with no answer and no voice mailbox, and on one attempt a busy signal was received. On July 11, 2016, a second search of LexisNexis and Clear was performed and revealed no additional information.

On May 6, 2016, the undersigned emailed the Department of Homeless Services (DHS) regarding § 87(2)(b). On May 10, 2016, DHS informed the undersigned that § 87(2)(b) had exited the DHS system on November 5, 2015 and had not returned. They provided two contact phone numbers for him. On May 10, 2016, one of the phone numbers was called and an individual answered and stated that there was no one by § 87(2)(b)'s name at the number. The second phone number was called five times from May 10, 2016 to May 25, 2015. On each attempt, an automated message stated that the number was “not in service.” On July 11, 2016, DHS was emailed again regarding § 87(2)(b). On July 12, 2016, DHS confirmed that § 87(2)(b) had not reentered the system since November 5, 2015, and there was no additional contact information for him than had already been provided.

A search of BADS revealed two additional addresses for § 87(2)(b). Please call letters were sent to these addresses on May 6, 2016 and May 25, 2016. One of these letters was returned by the U.S. Postal Service as “unclaimed.” The remaining three letters were not returned by the U.S. Postal Service. A search of CTS revealed no additional contact information for § 87(2)(b). A search of Whitepages.com revealed no exact match for a § 87(2)(b) in § 87(2)(b), however it was determined to not be § 87(2)(b) based on DOB, and revealed 410 possible matches. On July 13, 2016, a search of the NYC Department of Correction Inmate Lookup Service revealed that § 87(2)(b) was not incarcerated.

To date, § 87(2)(b) has not returned a signed and notarized verification form or responded to the undersigned’s attempts to contact him and the CCRB is unable to perform any further investigative queries. § 87(2)(g)

Squad: 14

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date